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OFFICE OF PETITIONS

In re Application of	:
Stephen D. Amo et al	:
Application No. 10/669,060	: DECISION ON PETITION
Filed: September 23, 2003	: UNDER 37 CFR 1.182
Attorney Docket No. 13589-012005	:

This is a decision on the petition under 37 CFR 1.182, filed May 11, 2007, requesting entry of an amendment to the specification to insert a reference to earlier-filed applications pursuant to the provisions of 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.¹

The petition is **GRANTED**.

The above-noted abandoned application failed to make a proper reference to the prior-filed applications set forth in the accompanying amendment prior to abandonment.² Petitioner now requests that the abandoned application be amended by inserting a reference to the earlier-filed applications on page 1 of the specification following the title. The petition is accompanied by an amendment to include a reference to the prior-filed applications in the first line of the specification following the title of the invention.

35 U.S.C. § 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to November 29, 2000 to include the benefit of an earlier filing date for

¹ This application was filed after November 29, 2000. The reference to the prior-filed applications was included in the transmittal letter rather than in the first line of the specification following the title of the invention. As the Office picked up the prior-filed applications on filing, a petition under 37 CFR 1.78(a)(3) is not required. Accordingly, the filing of a petition under 37 CFR 1.182 is the appropriate remedy in this case.

² The petition is also accompanied by an Application Data Sheet. However, in reviewing the claim for benefit of priority therein, it is noted that one of the application numbers is incorrect; i.e., 09/547,867, which should be 09/457,867. As the amendment correctly sets forth the application numbers of the prior-filed applications, this is considered to satisfy the requirements for submission of the claim for priority to the prior-filed applications.

purposes other than prosecution. See Sampson v. Commissioner of Patents and Trademarks, 195 USPQ 136 (DC DC 1976).

In view thereof, the request for entry of an amendment to insert a reference to the earlier-filed applications is granted.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

A handwritten signature in cursive script, appearing to read "Frances Hicks", is written over the printed name.

Frances Hicks
Petitions Examiner
Office of Petitions